TYCO LEGAL

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AUG 0 5 2005

Tyco Healthcare Group LP

Legal - Intellectual Property 15 Hampshire Street Mansfield, MA 02048

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# Telefax Transmission

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Date

Company

**U.S. PATENT & TRADEMARK OFFICE** 

Attention

Commissioner for Patents
Mail Stop Missing Parts

Fax No.

(571) 273-8300

From

Edward S. Jarmolowicz

Subject

Application Serial No. 10/532,392

I.A. Filng Date: 10/23/2003 Title: Automatic Valve Conf. No. 1773 Art Unit: Unknown

No. of Pgs.

12

#### Honorable Commissioner:

Applicant herewith submits the following documents in connection with the subject application:

- Response to Notice to File Missing Requirements under 35 U.S.C. 371;
- Certificate of Transmission;
- Declaration and Power of Attorney for Patent Application;
- Copy of Notice to File Missing Requirements under 35 U.S.C. 371 dated 6/06/2005.

Respectfully submitted,

Edward S Jarmolowicz

Fleg. No. 47,238

TYCO HEALTHCARE GROUP LP

15 Hampshire Street Mansfield, MA 02048

## RECEIVED **CENTRAL FAX CENTER**

AUG 0 5 2005

Atty. Docket No. S-8490 US (1)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s):

Benedict SHIA, et al.

**EXAMINER:** 

To Be Determined

SERIAL NO .:

10/532,392

ART UNIT:

Unknown

I.A. FILING DATE: October 28, 2003

TITLE:

**AUTOMATIC VALVE** 

Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

#### Honorable Commissioner:

In response to the Notice to File Missing Requirements under 35 U.S.C. 371 dated June 6, 2005, Confirmation No. 1773, Applicant herewith encloses the executed Declaration and Power of Attorney form in compliance with 37 CFR §1.497(a) and (b). Also enclosed is a copy of the Notice to File Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office as required.

Kindly charge the declaration surcharge amount of \$130.00 to Deposit Account No. 500726 pursuant to 37 CFR §1.492 (e).

Respectfully submitted,

Edward S. Jarmolowicz, Esq. Atty. Registration No. 47,238

Attorney for Applicant

00000140 500726 10532392 08/10/2005 GFREY1

TYCO HEALTHCARE GROUP LP

August 5

130.00 DA 01 FC:1617

15 Hampshire Street Mansfield, MA 02048

Tel: (508) 261-8476

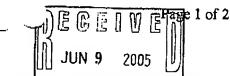
### CERTIFICATE OF TRANSMISSION UNDER 37 CFR \$1.8

	The understance bearing				
	The undersigned hereby	/ certilles that this correspo	ondence is being facsimile	a transmitted to the L	Inited States Patent
and Ti	redemark Office to Facsimile	No. (571) 273-8300 on th	umind deat to oth		

Date:



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UNITED STATES DEPARTMENT OF COMMERCE Units Stetem Patient and Trademark Office Added Control of the Added Control

P.O. Dox 1430 Alexandria, Viginda 22313-1450 www.mptu.gov

U.S. APPLICATION NUMBER NO.

FIRST NAMED APPLICANT

ATTY, DOCKET NO.

10/532,392

**Benedict Shia** 

20518/59 (S-8490 US)

INTERNATIONAL APPLICATION NO
PCT/US03/34129

LA. FILING DATE

PRIORITY DATE

10/28/2003

10/28/2002

Edward Scott Jarmolowicz TYCO HEALTHCARE GROUP 15 Hampshire Street Mansfield, MA 02048

Case No. 5-84

Action Code C

Base Date

Due Date

Final Date

Date Mailed: 05/06/2005

# NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/22/2005
- Copy of the International Search Report filed on 04/22/2005
- Oath or Declaration filed on 04/22/2005
- Request for Immediate Examination filed on 04/22/2005
- U.S. Basic National Fees filed on 04/22/2005
- Priority Documents filed on 04/22/2005

The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

•	\$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR	Kensur
	1.492(e)) is required	<del>, , , , , , , , , , , , , , , , , , , </del>

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

\$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,

Page 2 of 2

# WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY, DOCKET NO.				
10/532,392	PCT/US03/34129	20518/59 (S-8490 US)				

FORM PCT/DO/EO/905 (371 Formalities Notice)